

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11, 12, 15-17, 20, 21, 23, and 24 are pending in the present application, Claims 11, 12, 20, 21, 23, and 24 having been amended, and Claims 13, 14, 18, and 19 having been canceled without prejudice or disclaimer. Support for the present amendment is found, for example, in canceled Claim 14 and page 7, line 27 to page 8, line 10 of the specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 11-13, 15, 20, and 21 were rejected under 35 U.S.C. §102(e) as anticipated by Widegren (U.S. Patent Publication No. 2003/0172160); Claim 14 was rejected under 35 U.S.C 103(a) as being unpatentable over Widegren in view of U.S. 2004/0053606A1 to Artamo et al. (hereinafter Artamo); Claims 16 and 17 were rejected under 35 U.S.C § 103(a) as being unpatentable over Widegren in view of Li et al. (U.S. Patent No. 7,092,727), hereinafter Li; Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Widegren in view of U.S. 2002/0068588A1 to Yoshida et al (hereinafter Yoshida); Claim 23 was rejected under 35 U.S.C. §103(a) as unpatentable over Widegren in view of Balachandran et al. (U.S. Patent Publication No. 2003/0235196, hereinafter Balachandran); and Claim 24 Widegren in view of Ruutu et al. (U.S. Patent Publication No. 2004/0001491, hereinafter Ruutu).

Applicants respectfully submit that amended Claim 11 patentably distinguishes over the cited references. Amended Claim 11 recites, *inter alia*,

the control apparatus includes a priority determination table for associating a traffic class with the IP priority, the priority determination table determines DCP and ToS priority of IP packets based on a traffic class regarding a Radio Access Bearer, and traffic classed as conversational or streaming, which belongs to real-time traffic requiring real-time communication, is set to have a higher priority than traffic classed as interactive or

background, which belongs to a non real-time traffic that does not require real-time communication, and

the priority setting unit is configured to set the IP priority by referring to the priority determination table.

Claim 11 includes the subject matter previously recited in Claim 14 and addition material describing the priority determination table. Page 8 of the outstanding Office Action, in rejecting now canceled Claim 14, acknowledges that Widegren does not explicitly disclose a priority determination table. The outstanding Office Action relies upon Artamo to describe a priority determination table. Applicants respectfully submit that Artamo does not disclose a priority determination table as described in amended Claim 11.

Artamo describes a wireless communication network in which more than one communication standard is used.¹ The system of Artamo determines cell allocations for a user in a wireless network based on service type.² A priority table may be used to determine cell allocation (i.e., the cell two which a user equipment (UE) should connect.³ A priority table, specific to a cell, lists all the types of services available in the network against all types of cells available in the network, and allocates a priority to each of those given cells.⁴ The cell for the UE is chosen in accordance with the priority table defined fro the cell in which the UE is currently connected.⁵

The priority table of Artamo determines cell priority for a UE (which cell the UE should connect), and does not determine DCP and ToS priority for IP packets based on traffic class as described in Claim 11. Furthermore, Artamo's system does not set *the IP priority* by referring to the priority determination table. Cell priority is different than IP priority.

Thus, Artamo does not disclose the claimed:

¹ Artamo, paragraph [0001].

² Artamo, paragraph [0009].

³ Artamo, paragraph [0012] and paragraph [0045].

⁴ Artamo, paragraph [0046].

⁵ Artamo, paragraph [0047].

the control apparatus includes a priority determination table for associating a traffic class with the IP priority, the priority determination table determines DCP and ToS priority of IP packets based on a traffic class regarding a Radio Access Bearer, and traffic classed as conversational or streaming, which belongs to real-time traffic requiring real-time communication, is set to have a higher priority than traffic classed as interactive or background, which belongs to a non real-time traffic that does not require real-time communication, and

the priority setting unit is configured to set the IP priority by referring to the priority determination table.

Furthermore, the cited tertiary references do not cure the deficiencies in Widegren and Artamo.

Yoshida describes a “SESSION MANAGEMENT TABLE 506” as a table that the base station has. The “SESSION MANAGEMENT TABLE 506” includes a “CURRENT PRIORITY 707.”⁶ Yoshida does not disclose a control apparatus that has the priority determination table as described in Claim 11.

Balachandran describes that GGSN232 sets a RAB, and the RAB may be set per “priority class.”⁷ Balachandran does not disclose a control apparatus that has the priority determination table as described in Claim 11.

In Li, Packet Data Serving Node (PDSN) receives a data packet from a coupled packet data network. The data packet is directed toward a Mobile Station (MS) serviced by the RAN and includes a packet SQL indicator that indicates the level of service provided by the data packet network. A corresponding set of RAN resources is allocated to meet the packet SQL indicator. If the set of RAN resources cannot be allocated, the data packet SQL indicator is remarked accordingly. Li does not disclose a control apparatus that has the priority determination table as described in Claim 11.

⁶ See, Yoshida, paragraphs [0071], [0072], and Fig. 7.

⁷ See, Balachandran, paragraph [0037] and Fig. 4.

Ruutu describes a technology relative to an IP router and describes "priority queuing."⁸ Ruutu does not disclose a control apparatus that has the priority determination table as described in Claim 11.

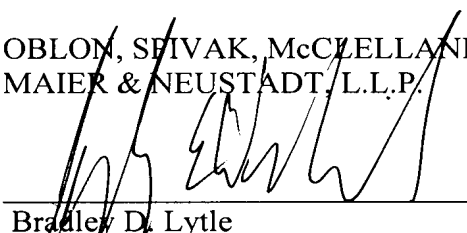
Since the references of record do not disclose the priority determination table as described in Claim 11, Applicants respectfully submit that a person of ordinary skill in the art could not proper combine the references to arrive at the invention defined by Claim 11.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 11 (and any claims dependent thereon) patentably distinguish over Widgren and Artamo, taken alone or in proper combination of with Balachandran, Li, Ruutu, and/or Yoshida. Claim 20 recites elements analogous to those of Claim 11. Thus, Applicants respectfully submit that Claim 20 patentable distinguishes over the cited references for at least the reasons stated for Claim 11.

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SHIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Joseph E. Wrkich
Registration No. 53,796

⁸ See, Ruutu, paragraphs [0060] and [0061].